

CHARTER AND BY-LAWS

OF THE

Village of Middlebury

VERMONT

AS AMENDED IN 1906

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No. 272.—AN ACT TO AMEND NO. 174 OF THE ACTS OF 1874, ENTITLED "AN ACT AMENDING AN ACT INCORPORATING MIDDLEBURY VILLAGE," AS AMENDED BY THE SEVERAL ACTS IN AMENDMENT THEREOF HERETOFORE ENACTED.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. No. 174 of the acts of 1874, entitled "An act amending an act incorporating Middlebury village," as amended by No. 187 of the acts of 1876, and as amended by No. 200 of the acts of 1878, and as amended by No. 213 of the acts of 1884, and as amended by No. 250 of the acts of 1888, and as amended by No. 88 of the acts of 1890, and as amended by No. 123 of the acts of 1892, and as amended by No. 184 of the acts of 1894, is hereby amended so as to read as follows:

Section 1. The inhabitants of that part of the town of Middlebury embraced within the following limits, commencing on the east bank of Otter Creek at the lower falls (near east gate-post of canal to pulp mill,) thence running easterly to the northeast corner of said village as now established, thence southerly to a point where the turnpike and creek roads intersect, thence westerly to a ledge in the road a few rods south of the dwelling house of George L. Porter (to a bolt in the ledge), thence north to Weybridge line, thence east to center of Otter Creek, thence north to place of beginning,—are hereby incorporated and made a body corporate and politic under the name of village of Middlebury; and by that name they and their successors shall and may have perpetual succession, and by that name may sue and be sued, prosecute and defend in any court,

and may have a common seal and alter the same at pleasure, and may take, hold, purchase and convey estate and property, real and personal for the use of said village, and generally shall exercise and enjoy all such rights, immunities, powers and privileges as are incident to public corporations.

SEC. 2. The annual meeting of said village shall be holden on the third Wednesday of January in each year at the town hall or at such other suitable place within said village, and at such hour as may be named in the warning therefor, for the purpose of electing the officers hereinafter named and for the purpose of transacting business specified in the warning therefor, which warning shall be signed by the clerk, or in the absence of the clerk by one of the trustees, and shall be posted in not less than three public places within the limits of said village, not less than ten or more than twenty days before the time of holding said meeting.

At the annual meeting of said village the legal voters shall choose from among the inhabitants thereof the following village officers who shall serve until the next annual meeting, and until others are chosen, except as otherwise provided.

A moderator.

A village clerk.

Seven trustees.

A village treasurer.

A collector of taxes.

One or more auditors.

One or more water commissioners.

A chief engineer of the fire department.

A failure to hold such annual meeting or a failure to elect any or all of the officers for the year next ensuing at any such

annual meeting shall not prevent the election of officers of said village at any subsequent meeting legally warned and holden.

SEC. 3. Every person who resides within the limits of said village of Middlebury and who is a legal voter in the town meeting of the town of Middlebury shall be a legal voter in any village meeting provided that said person shall have resided in the village for three months prior to such meeting.

SEC. 4. The trustees of said village are hereby authorized to call at any time special meetings of said corporation to fill vacancies that may occur in any of the offices by death, resignation or otherwise, or in case of a failure to elect at any meeting, or for the transaction of any other business that the interest of said corporation may seem to require, causing the same to be warned by the clerk in the manner heretofore specified for warning annual meetings; and any meeting may be adjourned from time to time, and from place to place within said village, as said corporation may judge proper, and any business may be transacted at such adjourned meeting although not specified in the original warning, provided notice of special business shall be given in the usual manner of warning meetings, not less than eight days prior to the time of the holding of such adjourned meeting. And the trustees of said village upon written application of ten legal voters of said village setting forth the purpose for which the same is to be called, shall cause a special meeting of said corporation to be warned and holden as hereinbefore provided.

— If the officers whose duty it is to warn or cause to be warned a village meeting, fail to do so for ten days after receipt of petition addressed to them for that purpose by thirty legal voters of said village, stating therein the object of said meeting, each such officer shall forfeit forty dollars, and shall forfeit

forty dollars in addition thereto for every thirty days' neglect to warn or cause to be warned such meeting, such penalties to be recovered in an action on this statute in the name of either petitioner, one-half to go to the prosecutor and one-half to the village.

SEC. 5. All the officers of said village before they enter upon the duties of their respective offices shall be sworn to the faithful discharge of the duties thereof, and the treasurer and collector shall before assuming their duties give bonds to said corporation, in such sum and with such sureties as such trustees shall direct, conditioned for the faithful performance of the duties of their respective offices, and if a treasurer or collector does not give such bonds within ten days after his election or appointment, his office shall be vacant.

SEC. 6. It shall be the duty of the village clerk to keep full and complete records of all the proceedings of said corporation and to give copies of the same when required and he shall receive therefor from the person requesting the same such fees as town clerks are by law entitled to receive for like services. He shall have power to certify copies of the record of the proceedings of said village, and shall be custodian of the common seal of said village, and copies of such records certified by such clerk shall be received in evidence in all courts in the state. He shall warn all meetings of the corporation agreeably to the direction of the trustees. He shall also act as clerk of the meetings of said board of trustees and record the proceedings thereof in a book kept for that purpose and shall perform all other duties required by this act, and such as are usually performed by village clerks. The clerk of said village with the written consent of the trustees thereof shall

have the power to appoint a deputy, and may with the like consent of said trustees remove such deputy at pleasure.

Such deputy may exercise and perform all the powers and duties herein imposed on or conferred on the clerk of said village.

SEC. 7. The trustees shall organize within three days after their election, by choosing one of their number village president, and shall hold regular monthly meetings upon such day of the month as they shall select, and may hold special meetings when they deem the same necessary. The village president shall have a vote as trustee, shall preside at all meetings of said board of trustees, shall cause special meetings of said board to be called, when deemed by him to be necessary, or when requested by a majority of said board, and shall sign all bonds issued by the village as hereinafter provided. It shall be the duty of the trustees to make out and deliver to the collector an assessment or rate bill of all taxes which shall be laid by said corporation; to see that the provisions of this act and the by-laws of the corporation are duly observed and executed, and direct prosecutions for all breaches of the same, and generally to take care of the concerns of and perform all the duties which shall be legally enjoined on them by said corporation. They shall also appoint from time to time such number of fire wardens as the corporation may by its by-laws direct and the same remove at pleasure. Such wardens are authorized to organize one or more fire companies with such powers and regulations as said corporation by its by-laws may provide, and may disband the same for cause. But no fire company nor any member thereof shall exercise any powers conferred upon fire companies by the by-laws of said corporation until the trustees of said village by writing by them signed authorize

and direct the organization of such fire company and until such writing has been recorded by the clerk of the village in a book required by law to be kept by him for recording the doings of said corporation. All powers vested by this act in said trustees may be exercised by a majority of them and in case of the absence or incapacity of the clerk, any trustee of said village shall have the same power to warn meetings of said corporation as by this charter are delegated to the clerk.

The trustees of said village shall annually, within five days after their election, appoint a superintendent of streets who shall have charge of the streets, sidewalks, drains and sewers within said village under the direction of said trustees. He shall hold office for one year and until his successor is appointed and shall receive for his services such compensation as the corporation or said trustees may allow.

The trustees of said village shall annually within five days after their election appoint a village attorney who shall commence and prosecute all suits and actions for and in the name of, and defend all suits against said village under the direction of the trustees thereof; he shall be the counsel of said corporation and shall receive for his services reasonable compensation. He shall hold office for one year and until his successor is appointed; shall have power to prosecute for violations of this charter or the by-laws of said corporation, and shall have the same power to prosecute criminal offenses committed within the limits of said village as by law a grand juror of the town of Middlebury now has, and for such prosecution shall be entitled to receive the same fees which a grand juror by law is entitled to receive for prosecuting criminal offenses.

SEC. 8. Trustees of said village shall have the same power to lay out, alter, change the grade of and discontinue

streets and highways in said village as are vested by law in the selectmen in towns, and all proceedings in respect to laying out, altering and discontinuing streets and highways in said village shall be had in the same manner as is prescribed by law in respect to such matters in towns, and from all their acts, or omissions or refusals to act in such respect, appeals may be taken to the county court in the same manner as is provided by law for appeals from the action, decision or refusal of selectmen to act in like matters. And the selectmen of the town of Middlebury shall have no power to lay out, alter, change the grade of, or discontinue streets or highways within the limits of said village, and said village shall at its own expense build, maintain and keep in repair all highways and streets within its territorial limits, excepting bridges over the Otter Creek.

And for neglecting so to do said village shall be liable to indictment the same as towns by law are liable to indictment for neglecting to repair or keep in repair highways and bridges within their limits, and shall also be liable for damage or injury to person or property by reason of the insufficiency or want of repair of its bridges, excepting said bridges over the Otter Creek, under the same circumstances and conditions as towns by law are liable for such damage or injury by reason of the insufficiency or want of repair of their bridges.

SEC. 9. The trustees shall have authority to enter into and upon the lands or property of any individual, firm or corporation to clear out, open or construct any drain or ditch which, in their judgment, is required or necessary to receive or carry off the surface water falling or flowing upon the streets or highways in said village and likely to do damage thereto, or to render the same dangerous to public travel, and to clean out, open or increase the capacity of any water course or ditch

or drain which now receives all or any part of such water upon payment or tender thereof to the party injured thereby, of damages by him sustained by reason thereof. If a person owning or interested in lands through which a ditch, culvert or drain is laid out or altered by the trustees, is dissatisfied with the laying out or altering thereof, he may, within sixty days after the proceedings of said trustees and a description of the property taken is filed in the office of the clerk of the town or village as required by this act, apply by petition in writing to the Addison County court, in the manner provided in the case of laying out, altering or resurveying highways by selectmen; and thereupon the same proceedings shall be had as in such cases, and such application to the county court shall stay the taking of such lands, until the decision of the court.

SEC. 10. The trustees shall have the power to appoint police officers, not exceeding five in number, except on public occasions, when they may appoint such number of special police for such occasions as they may think necessary, by writing under their hands, who shall be qualified, by taking the oath of office, and by causing their said appointments to be recorded by the clerk of said corporation; but such appointment may be revoked by a majority of said trustees, in their discretion, which revocation shall also be in writing, and be recorded by said clerk; such police officers shall by virtue of said appointment, be informing officers, constables and conservators of the peace within said village, or upon lands of the village, and may serve any criminal process throughout the county of Addison returnable within said village or to the county court at Middlebury; provided the offense charged was committed within said village; and they may also commit any person

convicted of a violation of this act, or any by-law or ordinance of said corporation, or of any law of the state, upon mittimus, to the common jail in Addison County, or to the house of correction; and they shall be proper officers in criminal trials before a justice of the peace held within said village, to empanel, draw and summon jurors before justice courts; and a justice holding a justice court shall, in his discretion, designate some one of said police officers to act as officer of such court, and such police officer shall be entitled to receive therefor the same fees as a constable would be entitled to receive for the same services. Any such police officer shall, upon view of any violation of this act, the provisions thereof, or of any by-law or ordinance of said corporation, or of the laws of the state within the limits of the town of Middlebury or of said village, arrest the offender forthwith, and without warrant for that purpose, forthwith convey such offender before a justice of the peace to answer complaint therefor, and may make complaint on oath, in the name of said corporation, against such offender. For such arrest, and the services connected therewith, such police officer shall receive the fees which sheriffs or constables are entitled to for similar services. Said police officer shall, upon such arrest, forthwith notify some justice of the peace, who shall have such offender forthwith brought before him; and said officer may commit said offender to the Addison County jail or otherwise detain him in safe custody for a reasonable time, at the end of which time he shall be discharged unless previously taken before some justice of the peace to answer for his offense. Said police officers shall have the same right to demand assistance from any person or persons which sheriffs and constables now have, and any person refusing to assist any such police officer shall be subject to the

same fines and penalties as are now provided by law for refusing to assist a sheriff or constable in making an arrest. If said police officers or any of them neglect or refuse to arrest a person found violating a provision of this act, the laws of the state, or of the by-laws of said village within said village relating to gaming, public or private nuisances, immoderate riding or driving in the streets, cruelty to animals, playing of ball, firing of rockets, squibs, fire-crackers, or disturbing the peace in other ways, he shall be fined not less than five dollars and not more than twenty dollars, one-half of said fine to go to the complainant, and the other half to the village.

SEC. 11. Whenever the public health or convenience requires the construction of a common sewer, or sewers in said village, said village through its trustees, is hereby authorized and empowered to so construct said sewers, and to repair the same from time to time when necessary, and for that purpose may take the necessary land of individuals and corporations on making compensation for the land so taken; and the trustees of said village shall proceed in the same manner as is prescribed by law for selectmen in taking lands for public highways and for awarding damage therefor, and any person owning or interested in land so taken shall have the same right of appeal, both upon the question of necessity and damages, as is allowed in case of the taking of land by the selectmen for highway purposes; but when such appeal is for the reassessment of damages only, it shall not delay the laying or repairing of such sewer or drain; and the said trustees shall make a return of their doings to the office of the clerk of said village who shall record the same in the records of said village; and said village may also lay pipes along and across the streets, alleys, lanes and highways of said village and town. Said

village may, upon vote, through its trustees collect a rental for the use of said sewer constructed by the village, and may issue village bonds to secure any present or future indebtedness for construction and maintenance of such sewers.

SEC. 12. The board of health of said village may require that any hotel, dwelling house or other building be suitably provided with water closets connected with the water and sewer systems and that sink and other drains be connected with the public sewer should there be any on the street whereon such property is located, or convenient thereto; and shall give written notice to the owner of said property of such order; and in case said owner neglects or refuses to comply with such order within thirty days he shall be fined not less than ten or more than twenty dollars.

SEC. 13. The trustees of the village of Middlebury together with the health officer of the village appointed by the state board of health shall constitute the board of health of the village provided that if said state board does not appoint a health officer of the village then the said trustees shall appoint a physician of said village as health officer thereof and a member of said board of health. Such board of health shall make such regulations as they judge necessary respecting the suppression, abatement and removal of sources of filth and causes of sickness, and shall cause such regulations to be published from time to time in the newspapers published in said village.

SEC. 14. Said board or a majority thereof, upon application of any citizen, shall forthwith examine into nuisances, sources of filth and causes of sickness in said village, and make such order to destroy, remove or prevent the same, as the case may require, and when found on private property, shall in writing, order the owner or occupant thereof at his own ex-

pense, to remove the same, and if such owner or occupant thereof does not remove the same within twenty-four hours after being ordered, he shall be fined not less than ten dollars, and not more than twenty dollars, the penalty to go to the treasury of the village of Middlebury. A member of said board of health who on being notified in writing of a nuisance, does not within five days examine said nuisance shall be fined not less than five dollars and not more than twenty dollars with costs of prosecution.

SEC. 15. A person who violates a regulation made by the board of health shall be fined not less than ten dollars and not more than twenty dollars, the penalty to go to the treasury of the village, and a person so violating shall be subject to the same penalty for each day's continued violation, as for a separate and distinct offense.

SEC. 16. If said owner or occupant does not comply with such order of the said board, the board may cause such nuisance, source of filth or cause of sickness to be removed, and may recover the expense of such removal with costs, of said owner or occupant, or other person causing or permitting the same, in an action of debt brought in the name of and for the benefit of the village.

SEC. 17. The corporation of said village shall have power to organize, establish and maintain a water department in order to supply said village with water for the fire department, domestic and other purposes and may purchase and hold all necessary real estate for that purpose and may issue their corporation bonds to secure any present or future indebtedness incurred in establishing and operating their water works. Said corporation at its next or some future annual meeting shall elect by ballot a board consisting of three water commissioners

who shall hold office as follows: The first commissioner elected shall hold his office three years, the second two years, and the third one year, and at every subsequent annual meeting there shall be elected one water commissioner, to fill the vacancy occasioned by the then expiring term, who shall hold his office for three years from his election and until his successor is elected as above provided. But no trustee shall be eligible to serve as water commissioner.

SEC. 18. The board of water commissioners, when the village so votes, may make and adopt such rules and regulations concerning the management and use of said water system, reservoirs, lands and appurtenances, not inconsistent with law, as it may deem expedient, including the fixing and collecting of water rates.

SEC. 19. Said village is hereby authorized and empowered under any vote hereafter had for that purpose, through said water commissioners, to take, in addition to the water rights and appurtenances thereof already owned or acquired by said village, the waters of any fountain, spring, pond or stream for the purpose of affording said village or any of the inhabitants of the town of Middlebury a supply of water for fire, domestic and other purposes, and may acquire the same by purchase or by right of eminent domain, and in like manner may take and hold such real estate as may be necessary for preventing the pollution of the water supply of said village. Provided that said village shall not take water, nor a supply thereof, so as to deprive an owner of water of an amount sufficient for his domestic and agricultural uses, without the owner's consent.

SEC. 20. Said village is hereby authorized and empowered through said water commissioners to maintain its present

aqueduct and reservoir to conduct the water thereof to and distribute the same through said village, and for this purpose may enter upon and use any land through or over which it may be necessary for said aqueduct to pass, and may thereon lay and construct such pipes, reservoirs and appurtenances as may be necessary for its complete construction and repairing of the same; and may also for the purposes aforesaid, dig up or occupy any common, highway, street or bridge for the purpose of laying, constructing or repairing such aqueduct and the appurtenances thereof.

SEC. 21. When a person is dissatisfied with the award of the commissioners as made in any of the cases mentioned in the two preceding sections, or if he disputes the necessity of the taking of any lands or streams for the purposes mentioned in said sections, he may petition the Addison County court for an inquiry into such necessity or for a re-assessment and award of damages, and such proceedings shall be had in said court on said petition as are provided by law in the case of an appeal from the action of selectmen in taking lands for highway purposes, except that the commissioners so appointed by said court shall notify one of the water commissioners instead of one of the selectmen. Said petition shall be served on the clerk within thirty days next after said award is filed in the town clerk's office as aforesaid, and at least twelve days before the term of court to which it is made returnable, but nothing in said proceedings shall prevent the water commissioners from entering upon such land and using said water after the award has been made as herein set forth and the amount thereof tendered by them, if the petition mentioned in this section is for a re-assessment and award of damages only.

SEC. 22. Said village may sell or furnish water to any person or corporation for fire protection, sanitary, domestic or other like purposes, except power for manufacturing purposes, within or without said village and lay all pipes necessary to furnish water to all such persons.

SEC. 23. A person who shall maliciously disturb or injure said aqueduct, reservoir, springs, streams, ponds or fountains, or divert the water thereof, or injure any of the connecting appurtenances, or works thereof, or pollute the water of said aqueduct, reservoir, springs, streams or fountains named or referred to in this act, or swim or bathe in the waters of said reservoir, springs, streams or fountains supplying such reservoir shall be liable to be prosecuted therefor by said village attorney if committed within said village, or by a grand juror of the town, or the state's attorney of the county wherein such offense is committed, upon information, complaint or indictment, and shall be fined not less than five dollars nor more than one hundred dollars, with costs of prosecution, and shall be liable to said village for all damage resulting to it by such disturbance, injury or pollution, with full costs, the same to be recovered by said village in an action on the case founded on this statute.

SEC 24. Whenever under the provisions of this act notice is required to be given for the taking of land for public purposes or the awarding of damages therefor, or the laying of assessments, a citation shall be issued signed by the clerk of said village and containing the names of all persons to whom notice is to be given, which citation shall be served, in the manner provided for serving a writ of summons, upon the person or persons to whom notice is to be given by a sheriff, constable or a police officer of said village not less than six nor more

than sixty days prior to the time of hearing. The return of such sheriff, constable or police officer upon the original citation shall have the same effect as evidence of such service as is by law given to the return of a sheriff or constable upon a writ of summons. Such citation and the return shall be made a part of the record of such proceedings and shall be filed in the office of the village clerk.

If at any stage of the proceedings for the taking of land for public purposes or for the making of assessments thereon by the trustees or any proceedings subsequent thereto, it appears that any person or persons owning or interested in such land have not been duly notified, said proceedings shall not be held void by reason thereof but shall be suspended until such person or persons are duly notified as hereinbefore provided. Whereupon the same proceedings shall be held in the same manner and with the same effect as if said person had been duly notified by the original citation. If the person so notified appears, he shall be heard upon all matters therein pending in which he is interested.

SEC. 25. Any sewer pipe, drain pipe, water pipe or sidewalk which may be now or hereafter built, established or laid in said village by the authority of said village may be extended across the property, lands or right of way, or under or over the tracks of any railroad corporation within the limits of said village, either at a public highway crossing or at such other point as the public convenience shall require, provided that such sewer pipe, drain pipe, water pipe or sidewalk shall not unreasonably interfere with the use thereof by said corporation; and in case said corporation makes objections the same proceedings shall be had with reference thereto as are provided in section 11 of this act with reference to the construction of

sewers, and the provisions of that section shall apply to proceedings under this section as to the taking of lands, awarding of damages, the right of appeal and the effect thereof.

SEC. 26. Said village shall have power to make, establish, amend or repeal ordinances, regulations and by-laws not repugnant to the constitution or laws of this state or of the United States, for the following purposes:

1st. To establish and regulate markets.

2nd. To suppress and restrain disorderly and gaming houses, billiard and pool tables, and all descriptions of gaming and for the destruction of all instruments and devices used for that purpose.

3rd. To regulate the exhibition of common showmen and of shows of every kind not interdicted by law.

4th. To abate and remove all public nuisances and private nuisances.

5th. To compel the owner or occupant of any unwholesome, noisome, or offensive house or place to remove or cleanse the same from time to time as may be necessary for the comfort and health of the inhabitants of said village.

6th. To direct the location and management of all slaughter houses, meat markets, steam mills, blacksmith shops and sewers.

7th. To regulate the manufacture and keeping of gunpowder, ashes and all combustibile and dangerous materials.

8th. To regulate the making of alterations and repairs of stovepipes, furnaces, fireplaces and other things from which damage by fire may be apprehended, and also to regulate the use of buildings in crowded localities for hazardous purposes, to provide for the preservation of buildings from fires by pre-

cautionary measures and inspections and to establish and regulate a fire department and fire companies.

9th. To prevent immoderate driving or riding in the streets, and cruelty to animals.

10th. To regulate the erection of buildings and to regulate entrances and exits to public halls and theatres and to prohibit the use thereof until proper exits are provided, to prevent the encumbering of the streets, sidewalks and public alleys with firewood, lumber, carriages, boxes and other things, and to provide for the care, preservation and improvement of public grounds.

11th. To provide a supply of water for the protection of the village against fire, and for other purposes, and to regulate the use of the same.

12th. To compel all persons to remove from the sidewalk and gutters adjacent to the premises owned or occupied by them, all snow and ice, dirt and garbage, and to keep sidewalks and gutters clean.

13th. To license innkeepers, keepers of saloons or victualling houses, peddlers, itinerant vendors, and auctioneers, under such regulations, and for such sums of money as shall be prescribed therefor.

14th. To regulate or restrain in accordance with the general law, the use of rockets, squibs, fire-crackers or other fireworks in the streets or commons, and to prevent the practicing of any amusements therein, having a tendency to injure or annoy persons passing thereon, or to endanger the security of property.

15th. To regulate gauging, the place and manner of selling and weighing hay, packing, inspecting and branding beef, pork and produce, and selling and measuring wood, lime

and coal, and to appoint suitable persons to superintend and conduct the same.

16th. To prescribe the powers and duties of watchmen of said village.

17th. To regulate the grade of streets and the grade and width of sidewalks and the construction thereof, and protect the same.

18th. To provide for lighting the village.

19th. To restrain and punish vagrants, mendicants and common prostitutes, and to suppress houses of ill-fame.

20th. To establish and maintain a public library and reading room.

21st. To restrain the running at large of cattle, horses, swine, sheep, dogs and poultry.

22nd. To prohibit and punish wilful injuries to trees planted for shade, ornament, convenience or use, and to prevent and punish trespass or wilful injuries to or upon buildings, squares, commons, cemeteries and other property either public or private.

23rd. To erect and regulate hay-scales.

24th. To regulate the use of bicycles in the streets of said village, and to prohibit their use upon sidewalks or without lights during certain hours of the day.

25th. To regulate and license the selling and peddling of meat, fish and other provisions in vehicles within said village.

26th. To limit within said village the length of time horses or other domestic animals may be fastened or allowed to remain upon any street, lane, alley or highway or under any shed without suitable covering or blanket, regard being had for the season of the year and the state of the weather at

said time, and to restrain and prohibit the use for work or driving within said village of lame, sick or otherwise disabled horses or other domestic animals.

27th. To prevent loafing on the sidewalks within said village.

28th. To prevent the assembling or gathering of crowds of people upon any of the sidewalks or streets within said village.

29th. To regulate and determine the time and place of bathing in the waters of Otter Creek within the limits of said village, and to prevent the same.

30th. To regulate or prohibit the suspending or putting up of any sign, tent, or awning in or over any street, lane, alley, common or other public place in said village, and to order and direct that tents, signs and awnings already erected or suspended as aforesaid, shall be changed, taken down or removed.

31st. To regulate and prohibit the erection of billboards within said village, and to designate the situation of the same, to license the same, and to order the same to be changed, taken down or removed, and to prohibit the display thereon of lewd or immoral pictures or words; and to regulate or prohibit the use of buildings, trees, fences, telegraph, telephone or electric light poles and other structures within said village for the display thereon of notices or pictures for advertising or other purposes.

SEC. 27. The by-laws and ordinances of said village shall be recorded in the office of the clerk of said village, in a book kept for that purpose, and the clerk's certificate that such by-laws and ordinances were adopted at a legal meeting of said village shall be prima facie evidence of such fact in any court

in this state, and such certificate shall be received in evidence in all courts in this state.

Said corporation may impose a fine or forfeiture of not more than fifty dollars for the violation of any by-law or ordinance. Such penalty, or any fine or penalty imposed by the provisions of this act, with costs of prosecution, may be recovered in an action on the case founded upon this statute in the name of said village, in which action it shall be sufficient to declare generally that the defendant is guilty of a violation of a certain by-law or section of this act, naming it generally and setting it forth, and under such declaration the special matter may be given in evidence; or prosecution for violation of the provisions of this act or the provisions of any by-law or ordinance made in pursuance of this act, may be commenced before any justice of the peace of the county of Addison upon complaint of said village attorney, any grand juror of the town of Middlebury or the state's attorney of the county of Addison when costs shall be taxed as in criminal causes; and in case of conviction the court shall impose the costs of prosecution in addition to the fine, with the alternative sentence to the house of correction in case said fine and costs are not paid, as is provided by law in criminal causes, or said court may commit the respondent to the Vermont industrial school as is provided by law in criminal causes.

Fines and costs imposed for violations of the provisions of this act, the by-laws of said corporation or of the laws of the state committed within the limits of said village, not by law payable to the state, shall be paid into the treasury of said village, and all such costs and the costs of prosecution in case the respondent is not convicted not payable by the state, shall

be paid out of the same treasury to the persons entitled thereto on the order of the court before whom the trial was had.

If the respondent is committed in default of payment or enters his appeal from the judgment of a justice of the peace in Addison County court taken as hereinafter provided the justice bill of costs shall be paid by the state; and the provisions of law concerning fixing, taking and collection of bail, commitment in default of bail or upon failure to enter appeal, and all other such provisions touching disposal of criminal causes after conviction before a justice of the peace shall apply in prosecutions under this act. Nothing herein shall be so construed as to prevent said village from having such other and further relief as it may be entitled to by law to compel a compliance with the by-laws and ordinances of said village. All actions or prosecutions for a violation of the provisions of this act or of any by-law or ordinance of said village shall be commenced within six months after the commission of the offense. And the defendant shall be allowed the same right of appeal to the Addison county court as is allowed by law in criminal causes and in civil suits before a justice to recover a penalty, as the case may be.

If any person while residing without this state and while owning real or personal property within this state shall, with and by means of real or personal estate so owned by him in said village; or by his agents and servants, violate any of the regulations or ordinances which said village is authorized to make, said village may sue for and recover the penalty for the violation of such ordinance in the same manner as is provided for the bringing of suits in section 27 of this act, and said action when so brought shall be proceeded with in the same manner as is provided by law for civil actions against

persons residing without this state having property within the state.

SEC. 28. No inhabitant of said village shall be deemed incompetent to act as judge, juror or justice of the peace in any cause or proceeding, civil or criminal, for the imposition or recovery of any fine or penalty for an offense against this charter or the by-laws of said village.

SEC. 29. Said village shall also have authority to construct and maintain an electric or other light plant, for the purpose of lighting the streets, walk and public grounds of said village and lighting of any buildings therein, and for this purpose may take, purchase or acquire and hold any water power, land and rights of way needed for the construction, maintenance and operation of said light plant, as provided in this act, or may likewise acquire any existing electric or other light plant and may use any public highway over which it may be necessary or desirable to pass with the poles and wires or other conduits of the same, provided the use of such highway for the purpose of public travel is not thereby necessarily impaired. And said village may issue bonds of the corporation to secure against any present or future indebtedness for establishing and operating such lighting plant, and may furnish lights for use of private individuals and corporations in said village and establish rates of compensation therefor.

SEC. 30. No money shall be expended by any person for or in behalf of such village except by the direction of the trustees, or water commissioners for the maintenance of the water department, and no money shall be paid out of the village treasury except upon orders signed by a majority of the trustees or water commissioners as hereinafter provided. Said trustees and water commissioners shall keep a full and true

record and account of all orders drawn and expenditures made by them, and shall make a report thereof at each annual meeting; and said village may order the accounts of any or all its officers to be audited and settled by its auditors, or may settle the same in such manner as it directs.

SEC. 31. The said village may, at any annual meeting, or special meeting called for that purpose, lay a tax on the polls of the inhabitants of said village, and the ratable estate within the same, on the grand list to be completed the same year, for any of the purposes heretofore mentioned, and the trustees shall make out a rate-bill accordingly and deliver the same to the collector unless the village shall otherwise vote, who shall have the same power to collect such tax as the collector of town taxes, and may in like manner levy upon and sell property to satisfy the same, and for want thereof commit any person to jail against whom he may have such tax.

It shall hereafter be the duty of the listers of the town of Middlebury in making the list of said town for each year to designate therein such of the ratable estate, real and personal, as shall be within the limits of said village, and also the ratable polls of such persons, as reside therein and the same shall constitute the grand list of said village for that year.

SEC. 32. The trustees and clerk of said village shall constitute a board for the abatement of taxes in said village, and shall have the same power and proceed in the same manner as the board for abatement of taxes in towns.

SEC. 33. All the territory embraced within the limits of said village is hereby constituted a highway district of the town of Middlebury, and all the highway taxes assessed on the polls and ratable estate therein shall be paid in money, and the trustees of the village shall make out a tax-bill therefor and

deliver the same, unless the village shall otherwise vote, with a warrant for its collection to the collector of said village, who shall collect the same as other taxes are collected, and pay the same over to the treasurer of said village, which money shall be drawn from the treasury by the trustees, and shall be expended by them in building, maintaining and repairing the streets, highways, walks, alleys and lanes of said village, but said village shall not be liable to build or repair any bridge across the Otter Creek. The village may vote to adopt the provisions of chapter 30 of Vermont Statutes and amendments thereto relating to the collection of taxes by the village treasurer.

SEC. 34. Whenever there is a vacancy in any of the offices of said village, from any cause whatever, the village may fill such vacancies at any meeting. The trustees may make temporary appointments for such vacancies and the persons thus appointed shall hold their offices until the village shall elect others in their place.

SEC. 35. To aid in supporting the water department of said corporation, and to insure the annual interest on the water bonds of said corporation, and to provide for their final payment, said corporation shall establish rates of annual rents as hereinbefore provided to be charged and paid at such times and in such manner as may be determined by said corporation for the supply of water to the inhabitants of said village, and they may from time to time modify, amend, increase or diminish such rents, and extend them to any description of property or use as the said corporation may deem proper.

SEC. 36. Such water rents as shall be established upon lots, buildings, factories, steam engines, stores, shops, stables and other property shall be collected from the owner of the prop-

erty so supplied, unless otherwise provided in the lease of the water; and such rents shall be in the nature of a tax, and be a lien and charge upon such buildings, lots and other property so supplied, and may be collected in the same manner as any corporation tax.

SEC. 37. The water rents may be ordered to be paid in advance, and all necessary provisions and orders may be made by the corporation relating to the supply or stoppage of water as they may deem necessary to insure such payments.

SEC. 38. The water commissioners, under the direction of the corporation, shall have the supervision of the water department, shall make and establish all necessary rules and regulations for the government and operation of the water works, and may draw orders upon the treasury for the necessary expenses of the same, may appoint a superintendent and remove the same at pleasure, may establish rates for the use of the water and provide for the collection of the same, and generally take charge of the water department, subject to the control of the corporation. The commissioners may appoint a collector of water rents or may designate one of their own number to act as collector and the same provisions with reference to the giving of bonds by the village treasurer and collector shall apply to the person so appointed or designated as the collector of water rents.

SEC. 39. Said village may refund any of its indebtedness by the issuance of the promissory notes of said village, bearing not to exceed five per cent. interest, in sums of five hundred dollars each, payable on or before five years from the date thereof, signed by the majority of the board of trustees and countersigned by the treasurer and numbered consecutively from one up, upon vote in village meeting so to do.

SEC. 40. Every bond issued by said corporation in pursuance of this act shall be signed by the village president, and the treasurer, and shall have the certificate of the clerk of said corporation that said bond is one of the series authorized by the corporation, and the records of the corporation shall be so kept as to show the issue of the bonds, the amounts and dates of the same, and the time when due, and the time of payment.

SEC. 41. Twenty-five legal voters shall constitute a quorum to do business at a legally called village meeting.

SEC. 42. Whenever in this act a vote of the village is required it shall mean a majority of the legal voters assembled at any meeting at which there is a quorum present. And at any meeting of said village at which officers of said village are to be elected the same shall be elected by ballot whenever application therefor shall be made by three legal voters then present.

SEC. 43. This act shall be construed to be a public act and shall be subject to future legislation to alter, amend or repeal as the public good may require.

SEC. 44. All by-laws or ordinances of the said village of Middlebury heretofore enacted or adopted by said village under the authority of No. 174 of the acts of 1874, entitled "An act amending an act incorporating Middlebury village," as amended by the several acts in amendment thereof heretofore enacted, so far as the same are not inconsistent with the provisions of this act are hereby ratified and confirmed and are hereby declared to be and remain lawful by-laws and ordinances of said village of Middlebury without further action of said village thereon notwithstanding this amendment of act

No. 174 of the laws of 1874 or of any portion thereof or any amendment thereof, and the same are in full force and effect.

SEC. 45. All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 46. This act shall take effect from its passage..

Approved December 13, 1906.

BY-LAWS, MIDDLEBURY VILLAGE.

SECTION 1. The officers of the Village shall be elected by ballot, but in case there is only one nomination for any office, said office may be filled by acclamation.

SEC. 2. The Moderator shall preserve order at all village meetings. He may speak to points of order in preference to others, and shall decide all points of order, subject to appeal. No person shall speak in the meeting without leave of the Moderator, nor when another is speaking, and all persons shall be silent and remain seated when ordered by the moderator, on penalty of forfeiting one dollar and costs to the corporation for the breach of every such order.

SEC. 3. The Clerk, in addition to those duties specified in the act of incorporation, shall record the warnings of all meetings, keep a classified record of all orders drawn by the Trustees, and annually, two weeks before the annual meeting, deliver to the Auditors a written report, properly classified, of all orders drawn by the Trustees during the preceding year.

SEC. 4. The Treasurer shall keep an account of all his receipts and expenditures, and annually, two weeks before the annual meeting, deliver to the Auditors a written report of the same, the condition of the treasury, and the amount of taxes unpaid; and every outgoing treasurer shall deliver to his successor all monies, books of account, and all other documents and papers belonging or relating to said office, under penalty of forfeiting to the village for each week of such refusal or neglect twenty-five dollars with costs.

SEC. 5. The Collector shall collect all taxes assessed by the Village and placed in his hands for collection, within such time as shall be specified by the Trustees, and pay the same into the hands of the Treasurer.

SEC. 6. The Auditors shall audit all accounts two weeks before each annual meeting and prepare a classified and detailed report of the financial affairs of the village, the amount of its indebtedness, amount of taxes unpaid, and the balance for or against the corporation, and they shall cause said report to be printed and a copy thereof placed in every inhabited house in the village at least three days before the annual meeting.

SEC. 7. The Trustees, in addition to the duties specified in the act of incorporation, shall see that the provisions of said act are carried out and have a general supervision of the prudential affairs and government of the village. They shall annually, within five days after their election, appoint, in addition to the officers provided for in the act of incorporation, a Superintendent of Parks who shall have charge of the parks belonging to the village, and keep the same tidy and the grass mowed therein, and who shall hold his office for one year. The Trustees shall hold a meeting annually at least two weeks before the annual meeting for the purpose of abating taxes, settling accounts and drawing orders.

SEC. 8. The Village President, in addition to the duties prescribed by the act of incorporation, shall annually two weeks before the annual meeting, deliver to the Auditors a written report of all claims against the village which have come to his knowledge, and for which orders have not been drawn, all property belonging to the village, with an estimate of the value thereof, the condition of the fire engine, hose and number of feet thereof, and any other information relative

to the interests of the village, which report shall be read at the annual meeting or printed with the Auditors' report and be kept on file by the Clerk.

SEC. 9. The Village Attorney shall serve without retainer, perform the duties prescribed in the act of incorporation and shall pay to the Treasurer all monies which he may collect within ten days after receiving the same.

SEC. 10. The accounts of the Superintendent of Streets shall be kept in such a manner as to clearly show the amount of money expended by him for streets, sewers and sidewalks respectively and his accounts and those of all other village officers shall be audited and settled at least two weeks before the annual meeting in each year. No Trustee shall be eligible for the office of Superintendent of Streets.

SEC. 11. The Clerk shall annually in the month of May transcribe from the Grand List of the Town of Middlebury the list of all persons liable to be taxed in said village, and keep the same on file in his office.

SEC. 12. All taxes assessed by the village shall be due and payable to the Treasurer within ninety days after the fifteenth day of September in each year, subject to a discount of four percent. At the expiration of said time the Treasurer shall issue his warrant for all taxes remaining unpaid and deliver the same to the Collector, who shall proceed to collect said taxes according to law in cases where taxes are paid to the Treasurer.

SEC. 13. ORDINANCES. ARTICLE I. No person shall dig up the ground or pavement in any alley, street, sidewalk or park, or erect any staging thereon for building which shall obstruct the traveling, or place any stone, earth, brick, lumber, logs or other building material thereon, without a

written license from the Trustees, and when the traveling shall become dangerous by reason of such obstruction, the person so licensed shall put a fence or railing around the same, and also keep a lighted lantern attached to the same during the night.

ART. 2. If any person shall drain any water closet, privy, or sink drain or cesspool into any street, lane, alley, park or public grounds such person shall be punished by a fine of twenty-five dollars for each twenty-four hours such drainage continues, with costs.

ART. 3. No person shall permit any geese, fowls, sheep, goats, hogs, horses, cows or other cattle to go at large in the village.

ART. 4. No person shall drive any horse, cart, wagon or other carriage or vehicle on any sidewalk, or obstruct or encumber any sidewalk so as to interfere with the convenient use of the same by passengers.

ART. 5. No person shall move any house, shop or other building through any street or over any bridge in the village without permission in writing from the Trustees.

ART. 6. No person shall burn, without permission from the Trustees, any squibs, fire-crackers or other fire-works or bon-fires in any of the streets or public grounds of the village.

ART. 7. No person shall injure, deface or destroy any guide-post, guide-board, sign-board, lamp-post or lamp, or cut down, remove, mutilate or otherwise injure or destroy any fruit, shade or ornamental tree or shrub growing in the streets or public grounds in the village, or fasten any horse or other animal to any such tree so as to endanger or deface the same.

ART. 8. No person shall post any show-bills, advertisements, notices or paint any designs on any building or fence without permission of the owner and of the Trustees.

ART. 9. No person shall put, paste, print, nail, maintain or display upon any bill-board, fence, building, frame or structure, or in any manner expose to public view as an advertisement of any show, play or performance, or for any other purpose, any indecent print, picture or cut representing the doing of any criminal or immoral act or any words or sentences tending to deprave the morals of individuals or shocking to the sense of decency, or tending to incite acts of immorality or crime or to familiarize and accustom the minds of young persons with the same.

ART. 10. No person shall coast or slide on any sled or other thing in any of the streets or sidewalks except such as shall be designated by the Trustees.

ART. 11. No person shall catch a ride upon any sleigh or wagon while the same is passing in the streets without permission of the driver.

ART. 12. No person shall go into Otter Creek to bathe, undressed, below the southeast corner of the James McDonald lot, and above the southeast corner of George Abbey's lot between sunrise and one hour after sunset.

ART. 13. No person shall behave in a rude or disorderly manner, or use any indecent, profane or insulting language in any street or public place, or near any dwelling house or other building, or loaf upon any street, sidewalk, door-step, portico or stairway, to the annoyance or disturbance of any other person, when requested by a Trustee or policeman to depart.

ART. 14. Any female person who shall ply the vocation of a prostitute in this village, and any male person who shall therein associate and consort with such female for the purpose of personal prostitution, shall be punished by imprisonment in the common jail of Addison County for not more than sixty days, or be fined not more than fifty dollars, or both, at the discretion of the court.

ART. 15. No person shall expose any goods, wares or merchandise for sale in any street or public place in this village without the written permission of the Trustees.

ART. 16. No owner or keeper of a saloon or billiard room shall keep the same open between the hours of ten P. M. and six A. M., or on Sundays.

ART. 17. No owner or keeper of a saloon or billiard room shall allow any minor to be or remain in such room or saloon, when previously notified in writing not to do so by the parent or guardian of said minor or by the principal of the graded school, if said minor is a pupil in said school.

ART. 18. No person shall open or operate a public billiard, or pool saloon or room, or public bowling alley without a license from the Trustees, which license may be revoked by the Trustees when in their opinion the public good so requires. Notice of such revocation shall be signed by a majority of the Trustees and attested by the Clerk, and a copy of the same shall be delivered to the owner or keeper of such saloon or alley and the original shall be recorded by the Clerk. Such owner or keeper who permits his saloon, room or alley to be used for playing the game of billiards, or pool, or bowling, after receiving the notice of the revocation of his license, shall be fined the sum of twenty dollars for each day, or fraction

thereof, said saloon, room or alley is so used, together with costs.

ART. 19. No person shall enter into or prosecute the business of hotel keeper, saloon keeper or keeper of an eating house without a license from the Trustees, which license shall be recorded by the Clerk, and said license may be revoked by the Trustees when in their opinion the public good so requires. Notice of such revocation shall be signed by a majority of the Trustees and attested by the Clerk, and a copy of the same shall be delivered to the owner or keeper of such hotel, saloon or eating house and the original shall be recorded by the Clerk. Any person who shall continue in the business of hotel keeper, saloon keeper, or keeper of an eating house, after receiving notice of the revocation of such license, or shall prosecute or engage in the business of hotel keeper, saloon keeper or keeper of an eating house without a license therefor as herein provided shall be fined ten dollars and costs for each day or fraction thereof that such hotel, saloon or eating house is opened for business.

ART. 20. All licenses granted for the aforesaid purposes shall expire on the first day of February in each year, unless sooner revoked as herein provided, and the licensee shall pay the sum of two dollars per year for said license, for a public billiard or pool saloon or room or public bowling alley, hotel, saloon, or eating house; said license fee to be paid to the Treasurer immediately upon the same being granted.

ART. 21. No person shall recklessly or immoderately drive any horse or horses in any of the streets of the village.

ART. 22. No person shall intentionally raise a false alarm of fire by crying fire within the village limits, or by ringing the fire bell or fire alarm or in any other manner.

ART. 23. No person, in driving cows, horses, sheep or other stock through the streets, shall allow said cows, horses, sheep or other stock to loiter or go upon the sidewalks, or upon private premises, or into any public park or common, or to graze therein.

ART. 24. The Trustees may abate and remove any nuisance within the village limits, not embraced in the general statutes, when in their opinion the public good requires it. Whenever the Trustees shall adjudge that a nuisance exists on public or private property they shall order the owner or occupant of said property at his own expense to remove said nuisance within twenty-four hours, and if he neglects or refuses to do so he shall be fined not more than fifty dollars and costs, and the Trustees may cause said nuisance to be removed and the expense of said removal shall be recovered from said owner or occupant in an action of debt in the name of the village with costs.

ART. 25. No person shall play at cards, dice, billiards or other game for money or other valuable thing.

ART. 26. No person shall have or keep on premises owned or occupied by him implements or things used in gambling or permit persons resorting to such premises to use such implements or things for the purpose of gambling.

ART. 27. No person shall win or lose money or other valuable thing by play or hazard at any game, or by betting on such play or hazard, or sharing in the stake wagered by others on such play or hazard.

ART. 28. No person shall put, or cause to be put, a dead animal or animal substance into Otter Creek, or on the bank thereof, so that it may be drawn or washed into said creek, and suffer the same to remain.

ART. 29. No person shall put, or cause to be put, anywhere within the village limits, a dead animal or animal substance, and allow the same to remain unburied, between the months of March and December following.

ART. 30. No person shall place or cause to be placed in any street, lane, alley, park, common or public place, or upon land belonging to the village, any ashes, garbage, filth, offal, or any other kind of rubbish, without the written permission of the Trustees.

ART. 31. Every property owner, when requested in writing by the Trustees, shall remove all obstructions from the sidewalks adjoining his premises or property, and if said owner neglect or refuse to do the same within three days after such notice, the Trustees may cause such obstructions to be removed and the expense of such removal may be collected from said owner with costs by suit in favor of the village.

ART. 32. Any person who shall violate any of the articles of this Section shall be punished by a fine for each and every offense of not more than fifty dollars with costs, except where otherwise specifically provided.

ART. 33. The Trustees shall prosecute all violations of the act of incorporation and by-laws, unless settled by a majority of them, and they shall have power to settle any such violations for a less sum than the penalty, whenever in their opinion the circumstances will justify it, and all suits for such violations shall be commenced within six months and not thereafter.

SEC. 14. WATER DEPARTMENT. ART. I. The Water Commissioners shall take charge of, and maintain, the water system of the village including all pipes, mains, reservoirs, springs, brooks or other sources of supply, together

with all hydrants, pumps, tools, machinery and property of every description belonging to the water department. They shall, subject to vote of the village, fix and collect the rentals for the use of the water. They shall cause frequent inspections to be made of all premises where the village water is used, shall keep careful report of the same, and if they find on any premises that the water is being wasted by reason of leaky or defective pipes, faucets or fixtures, they shall forthwith in writing notify the owner or occupant of said premises, and they shall order said owner or occupant to cause said waste to cease by making repairs, or by such changes or measures as may be necessary. They shall keep the hydrants in good working order at all times by adequate inspections. They shall annually, within ten days after the annual village meeting, appoint one of their number to serve as Collector of the department for one year. He shall, before entering upon the duties of his office, furnish a bond in the sum of ten thousand dollars to the satisfaction of the Trustees, conditioned for the faithful discharge of his duties, and he shall keep an accurate, itemized account of the receipts and disbursements of the department, and furnish to the Auditors a statement of the same two weeks before the annual meeting. He shall collect all rentals and other monies due the department, and within thirty days after receipt of the same pay them to the village Treasurer.

ART. 2. Every person before connecting with the water system, or altering or increasing the capacity of connections already made, or making additional connections, or making alterations in any pipe, faucet or fixture, or increasing the number thereof whereby the consumption of water may be increased, shall first obtain a permit in writing from the Water Commissioners.

ART. 3. No plumber or other person shall commence to make such connections or alterations as are specified in the preceding article of this section unless a permit as therein provided has been issued to the owner or occupant, and said plumber or other person shall, within five days after the completion of said connections, additions or alterations, report in writing upon a blank provided for the purpose, to the Water Commissioners the exact nature of said connections, additions or alterations together with the number and kind of fixtures and faucets put in by him.

ART. 4. No person shall waste the village water, or cause the same to be wasted, after being notified in writing by the Water Commissioners not to do so, by the use of leaky or defective pipes, faucets or other connections or fixtures, or in any other manner, nor shall any person use the water or cause or permit the same to be used by persons, or for purposes, other than the persons and purposes specified in his contract with the village or in his permit from the Water Commissioners.

ART. 5. No persons, except the Water Commissioners or their agents, or members of the Fire Department in the discharge of their duties at fires, or a person duly authorized by the Trustees, shall use or manipulate any cock belonging to the water department to either turn on or shut off the water thereby.

ART. 6. No person, except the Water Commissioners or their agents shall break the seal placed upon faucets or fixtures by said commissioners or their agents.

ART. 7. Any person violating any of the five last preceding articles of this section shall be punished for each such violation by a fine of not to exceed fifty dollars and costs.

SEC. 15. FIRE DEPARTMENT. ART. 1. The Fire Wardens shall examine and inspect from time to time, at or previous to the commencement of winter, all the houses, stores, shops and other places in which fire is kept, and which are liable to communicate fire to other buildings, and if any two of said Fire Wardens judge any such building to be liable to take fire by reason of defect of any chimney, stove, stove-pipe or from any other dangerous conditions, they shall immediately give notice thereof in writing to the owner or occupant of said building, and if said owner or occupant neglect for the space of ten days to remedy the unsafe conditions to the satisfaction of said Fire Wardens, he shall be fined ten dollars and costs, and if said owner or occupant shall further neglect or refuse as aforesaid, he shall be fined five dollars and costs for every day of such further neglect or refusal.

ART. 2. The Trustees shall see that each Fire Warden is provided with a suitable staff, or other distinguishing badge of his office, to be used in time of fire, and no Fire Warden shall, in time of fire, have or exercise any of the powers vested in him by this by-law unless he has with him such distinguishing badge.

ART. 3. In case a fire shall break out in any building, any of the Fire Wardens having with him his badge shall have power to demand and require assistance of any and all persons present at the fire to extinguish or prevent the spreading of such fire and to remove goods and effects from buildings or places endangered by the same, and the majority of said Fire Wardens present are hereby authorized to cause to be pulled down or removed such houses or buildings as they may think necessary to prevent the spreading of such fire, and the said Fire Wardens shall have power to require and demand assist-

ance from any and all persons present at the fire, to pull down or to remove any building which a majority of the Fire Wardens present shall have decided to be necessary to prevent the spreading of such fire; and if any person shall refuse to obey the order of any such Fire Wardens in time of fire, as provided in this article, such person shall be fined five dollars and costs.

ART. 4. The foreman of each engine, hose, and hook and ladder company shall have the entire charge of his own company and be himself subject to the Chief Engineer, who shall have supreme command, unless the majority of the Fire Wardens present shall assume the direction, in which case said Chief Engineer shall direct the labor of the companies in accordance with the directions of the Fire Wardens.

ART. 5. The Trustees shall procure such quantities of fire hose, ladders and fire hooks as they may judge necessary and provide suitable places for keeping the same, as well as all engines, hose carts and other apparatus belonging to the department, and see that all necessary repairs are made on the same.

ART. 6. All members of engine and fire companies shall be residents of the village.

ART. 7. Every company of firemen shall meet six times a year for practice, at such times as the Chief Engineer shall determine.

ART. 8. Immediately after returning from a fire and before each practice drill the foreman or secretary of each company shall call the roll and a record of the members present shall be kept and reported to the Trustees.

ART. 9. The Trustees, upon receipt of the report as provided for in the preceding article, shall draw an order, payable

to the foreman of each company, for an amount sufficient to pay to each fireman actually present at the fire or meeting for practice thirty-five cents an hour or major fraction thereof, but no payment shall be less than thirty-five cents per man.

ART. 10. Each of the hose, and hook and ladder companies, upon complying with the provisions of articles 7, 8 and 13 of this section, shall be paid from the village treasury annually as compensation, in addition to the amounts paid as provided for in article 9 of this section, five dollars for each of its members actually resident in the village, and the same amount to the Chief Engineer and Assistant Chief Engineer. Provided, however, that no hose company shall draw pay for more than fifteen members and no hook and ladder company for more than ten members.

ART. 11. Each fire company may adopt such by-laws and regulations as may be necessary, and do not conflict with the by-laws of the village, and may alter or amend the same at any regular meeting by a vote of two-thirds of the members present, and each member shall be subject to such assessments and fines as the company shall direct.

ART. 12. No person shall introduce, drink, or offer to others, any intoxicating beverage on any premises belonging to the village used or occupied by the fire companies or any of them. Any person violating the provisions of this article shall be fined not more than fifty dollars and costs.

ART. 13. The secretary of each company shall furnish a list of its members to the Clerk on or before the first day of January in each year.

ART. 14. The Chief Engineer may appoint an Assistant Chief Engineer, shall call out the department six times in each year for practice, and on or before the first day of

January in each year, shall give to the Village President a written report of the condition of the department, the amount of hose on hand and the condition of the same, calling attention to the needs of the department and making suggestions for the improvement of the service, which report shall be incorporated by the Village President in his report as provided for in the By-Laws.

SEC. 16. FIRE DISTRICT. ART. 1. Every person, firm or corporation who shall hereafter intend to erect or construct any building within the district in the Village of Middlebury, hereinafter specified, or who shall intend to make any such addition to, alteration in, or repairs of, any building now erected within the limits of such prescribed district as shall practically make a new structure of such existing building, shall at least six days prior to the beginning of such construction give notice of such intention to the Trustees.

ART. 2. Every such notice shall be in writing and shall be accompanied by a written notice of the character and dimensions of the building whose construction or reconstruction is so intended, the location thereof, the purpose for which such building is to be used, the materials of which it is to be built, and its situation with reference to the street and to the adjoining estates.

ART. 3. The external and party walls of all buildings hereafter to be erected within the limits of the district hereinafter prescribed, shall be built of brick, stone, iron, steel or other hard non-combustible material, but not of wood covered with corrugated iron, sheet iron, or tin, provided, however, that the outer walls of buildings, not party walls, not exceeding three stories in height may be constructed of wood, covered or

veneered upon the outside with a solid layer of brick or stone not less than four inches in thickness.

ART. 4. All party walls hereafter erected in said prescribed district shall be properly bonded and solidly built with cement or mortar, and shall be not less than twelve inches in thickness, and shall extend at least one foot above the roofs of the adjoining buildings upon either side thereof.

ART. 5. All openings in such party walls shall be properly equipped with doors and casings of iron, steel, or of wood covered upon both sides and upon the edges thereof with corrugated iron, sheet iron, or tin.

ART. 6. The roofs of all buildings hereafter erected within said prescribed district, shall be properly and securely covered with slate, tin, iron, or other non-combustible material approved by the Trustees.

ART. 7. No building erected, or hereafter erected within said prescribed district shall be altered, roofed, enlarged or otherwise added to or built upon, unless the external walls and roof of the new or added part shall be composed of the same materials as herein prescribed for buildings to be newly erected.

ART. 8. No person shall build upon the front walls of any building within said prescribed district, any portico, porch, bay window, balcony, or other projection over the line of the street.

ART. 9. All chimneys hereafter erected or constructed in any building within said prescribed district shall be built of brick, stone, or other fire-proof, non-conducting material. All brick flues shall be smoothly plastered inside from top to bottom, and outside below the roofing with mortar. All chimneys shall stand upon a support of masonry or iron extend-

ing to the ground, and shall be topped out at least four feet above the highest point of contact with the roof. No furring shall be used against or around any chimney but the plastering shall be directly upon the masonry or on metal lathing.

ART. 10. Whenever any building is being or is about to be constructed, reconstructed, raised, altered or enlarged, or otherwise worked upon contrary to the provisions of the by-laws of the village, the Fire Wardens of the village shall, and any citizen may, give notice thereof to the Trustees, and the Trustees shall thereupon give or cause to be given notice in writing to the person, firm, or corporation, erecting, constructing, reconstructing, raising, altering or otherwise working upon such building, to forthwith discontinue the erection, construction, reconstruction, raising, altering, enlarging or otherwise working upon such building, except in accordance with the provisions of these by-laws.

ART. 11. The following are constituted the limits of the prescribed district in the Village of Middlebury, to which the by-laws enacted by said village regulating the erection, construction, repair and renewal of buildings shall apply.

To wit:—Beginning at a point 100 feet south of the south line of land owned by the Methodist Church on the west side of Main Street, and 100 feet west of the west line of said street; thence running north and 100 feet east of the west line of said Main Street to a point 100 feet east of the east line of Seymour Street; thence running southerly parallel with the line of Pleasant Street to a point in said line 100 feet south of the southeast corner of the town hall; thence westerly parallel with the highway to a point where a line drawn parallel with the west side of the Battell block, and 100 feet westerly thereof would intersect said last mentioned line; thence along said

line running parallel with said Battell block, and 100 feet west-
erly thereof to a point in said line 100 feet east of the east line
of said Main Street, thence southerly parallel with the east
line of said Main Street, and 100 feet distant therefrom to a
point in said line where a line drawn parallel with the southerly
line of land owned by the Methodist Church and 100 feet
southerly therefrom would intersect said other line, thence
along said last mentioned line to the place of beginning.

ART. 12. If any person, firm or corporation, whether as
owner, lessee, contractor, workman or agent, shall do, or cause,
or permit to be done any work or labor of any kind whatsoever,
in or about the erection, construction, reconstruction, altera-
tion or repair of any building in said prescribed district con-
trary to the provisions of these by-laws, such person, firm or
corporation shall be fined not less than twenty dollars and not
more than fifty dollars for each offense.

ART. 13. Each and every day's violation of any of the
provisions of these by-laws respecting the erection, construc-
tion, repair and renewal of buildings, after service upon the
person, firm or corporation violating such by-law or by-laws
of the notice hereinbefore provided for, shall be deemed a
separate offense, and shall subject such offender to a fine of
not less than twenty dollars nor more than fifty dollars for
each and every day's violation thereof as for a separate and
distinct offense.

SEC. 17. These By-Laws or any of them, may be
amended or repealed at any village meeting legally warned,
provided that notice shall have been given in said warning of
said proposed amendment or repeal and provided that a copy
of said amendment or repeal shall be contained in said warning
or printed in the local papers at least five days before the said

village meeting. The officers whose duty it is to warn, or cause to be warned, meetings of the village, shall insert, or cause to be inserted, in any such warning, any proposed amendment or repeal of any of these by-laws, provided that they have been requested so to do, at least twenty days before said meeting, by petition in writing signed by ten legal voters of said village.

SEC. 18. All former By-Laws of the village are hereby repealed.

Passed January 16, 1907.